

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

THOMAS R. BERGBIGLER, JR.,	)
Plaintiff	)
	)
vs.	) Civil Action No. 05-957
	) Judge Terrence F. McVerry
BUTLER COUNTY PRISON; SGT	) Magistrate Judge Amy Reynolds Hay
JOHN HOGAN; CAPT. DAVE WILLIAMS	)
WARDEN GIGLIOTTI,	)
Defendants	)

MEMORANDUM ORDER

Plaintiff filed a Motion for an Order Compelling Discovery (doc. 74) to which Defendants have responded (doc. 77). In his motion, Plaintiff identified thirteen interrogatories and any accompanying requests for production for which he seeks to compel responses. The Court has carefully reviewed of Plaintiff's interrogatories and Defendants' responses thereto (see doc. 77 at Exh. A). It appears that Defendants entered certain objections to ten of the thirteen interrogatories but nevertheless, without waiving any objections, answered the interrogatories and provided documents were requested. Accordingly, Plaintiff's request to compel answers to interrogatories 3, 7, 10, 12, 14, 16, 17, 18, 19 and 20 is DENIED since it appears that Defendants answered them. As to Interrogatory No. 11, Plaintiff sought the names of all inmates on A-Block and C-Block during particular time periods, to which Defendants objected on grounds of relevance but, also, further responded that they did not maintain records from which they might ascertain this information and, thus, could not provide the same. Accordingly, Plaintiff's request to compel an answer to Interrogatory No. 11 is DENIED since Defendants cannot provided what they do not have. As concerns the remaining two interrogatories, i.e., Nos. 13 and 25, we note in

the first instance that Plaintiff has not challenged the specific objections made to these interrogatories. Interrogatory No. 13 sought to learn details about all grievances filed in the past five years at the Butler County Prison and to obtain a copy of each. Defendants objected on grounds of relevance, burden and safety and security. Interrogatory No. 25 sought to learn details about any settlements entered into in the course of litigation involving Butler County Prison. Defendants objected on grounds of relevance. In this Court's view, Defendants objections were reasonable and properly interposed. Accordingly, Plaintiff's request to compel answers to Interrogatories 13 and 25 is DENIED.

IT IS FURTHER ORDERED that if plaintiff desires review of this Order by the District Judge to whom this case is assigned, plaintiff must file an application with the Clerk of Court within ten (10) days of the date of this Order. Failure to do so will waive the right to appeal. Siers v. Morrash, 700 F.2d 113 (3d Cir. 1983).

SO ORDERED this 4th day of May, 2007.

/s/ Amy Reynolds Hay  
AMY REYNOLDS HAY  
United States Magistrate Judge

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All counsel of record by Notice of Electronic Filing